IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.136 1990

Shri Suresh Gupte
Food Inspector,
Thane Municipal Corporation
Thane. ....Appellant.
(Original Complainant)

V/s

1. Pravin Manilal Seth
(Vendor)
2. Rasiklal Maganlal Gandhi
Proprietor, M/s. Sanjay
Dugdhalaya, Parsiwadi,
Kopri Colony, Thane.
3. State of Maharashtra ....Respondents.

Mr. R.A. Apte for the appellant

Mr. D.P. Adsule for the respondent No.3 - State.

CORAM: V.M.KANADE,J.

DATE: 24th September, 2004

ORAL JUDGMENT:

1. Heard the learned Counsel appearing on behalf of the appellant and the learned APP for respondent No.3 - State.

2. Appellant has filed this appeal challenging the judgment and order passed by the Chief Judicial Magistrate, Thane. The complaint was filed against respondent Nos. 1 and 2 under the provisions of Prevention of Food Adulteration Act.

3. I have perused the evidence on record. Apart from the fact that the sanction which has been granted is not in accordance with the provisions of the Act, Chemical Analyser's report also does not disclose that the sample is injurious to health or that the sample was examined by the Public Analyst. Public Analyst also does not state in his report that the milk was adulterated. Further, the sample was analysed almost after 40 days. The Trial Court, in my view, has rightly come to the conclusion that the charge is not proved beyond the reasonable doubt and the finding of the Trial Court, therefore, will have to be confirmed. There is no reason to interfere with the view taken by the Trial Court. Appeal is, therefore, dismissed.

V.M. KANADE, J.